

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Civil Action No. 5:23-cv-00059**

<b>CROWN EQUIPMENT CORPORATION</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>DAVID BRADY, WILLIAM TUCKER, JOSEPH BOGGS, BRAWTUS HOLDINGS COMPANY, INC. (f/k/a Pneu-Mech Systems Manufacturing, Inc.), BRAWTUS, MANAGEMENT COMPANY, LLC, PNEU-MECH SYSTEMS MANUFACTURING, LLC (n/k/a Pneu-Mech Dissolution, LLC), PNEU-MECH SYSTEMS MANUFACTURING, INC., UNITED FINISHING SYSTEMS, LLC,</b>  <b>Defendants.</b>	<b>DEFENDANT PNEU-MECH SYSTEMS MANUFACTURING, INC.</b>  <b>MOTION TO DISMISS DEFENDANTS DAVID BRADY, WILLIAM TUCKER, BRAWTUS HOLDING COMPANY, LLC, AND BRAWTUS MANAGEMENT COMPANY, LLC’S CROSSCLAIMS AGAINST PNEU-MECH SYSTEMS MANUFACTURING, INC.</b>
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**NOW COMES** Defendant, Pneu-Mech Systems Manufacturing, Inc., (hereinafter “PMSMI”), and brings its Motion to Dismiss David Brady, William Tucker, Brawtus Holding Company, LLC, and Brawtus Management Company, LLC’s (hereafter “the Cross-claimants”) Crossclaim for indemnity on the grounds that Pursuant to the Federal Rules of Civil Procedure 12(b)(6), the Cross-claimants fail to state a claim upon which relief may be granted and, therefore, should be dismissed.

This motion is supported by the Memorandum of Law in Support of PMSMI’s Motion to Dismiss the Crossclaim.

**THIS THE 8TH DAY OF MAY, 2024.**

**HEDRICK GARDNER KINCHELOE &  
GAROFALO LLP**

**/s/ Gerald A. Stein**

**GERALD A. STEIN**

**NC State Bar No. 36408**

**/s/ Jarrod B. Summey**

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**Attorneys for Defendant Pneu-Mech  
Systems Manufacturing, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 8, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of filing to all counsel of record via CM/ECF.

This the 8<sup>th</sup> day of May, 2024.

**/s/ Jarrod B. Summey**  
**JARROD B. SUMMEY**  
**NC State Bar No. 49548**